

# Report to Licensing Committee

## Pavement Licences

27 August 2020

### Report of Licensing Manager

#### PURPOSE OF REPORT

The report is for information, to advise the committee of an urgent decision taken by the Director for Communities and Environment in consultation with the Chair of Licensing Committee in respect of the introduction and implementation of the administration and enforcement of the provisions contained within Part 1 of the Business and Planning Act 2020 in respect of Pavement Licences

#### RECOMMENDATIONS

1. That the report is noted.

##### 1.0 Introduction

The report attached as **Appendix I** provides the background to the request for the Director for Communities and the Environment in consultation with Chair of Licensing Committee to consider and approve administrative and enforcement provisions in respect of Pavement Licences introduced by Part 1 of The Business and Planning Act 2020. The matter was deemed to require urgent consideration for the reasons outlined in Para 2.1.of the report at Appendix I

##### 2.0 Decision/ Action Taken

2.1 On 31 July on behalf of the Chief Executive, The Director for Communities and the Environment in consultation with the Chair of the Licensing Committee considered the report attached at Appendix I and the appendices contained within the report as follows

Appendix A Pavement Licence Policy

Appendix B Statutory Guidance on Pavement Licences

2.2 The 3 recommendations within the report were all approved namely.

1. A fee of £100 be set in respect of an application fee for a pavement licence.
2. That where a pavement licence is granted it shall normally be granted for a period up to and including 30 September 2021 or a lesser period (not less than 3 months) as directed by the applicant or upon determination by the Local Authority

3. That the policy and associated appendices (1-4) attached at Appendix A be approved with immediate effect

### **3.0 Council Policy and Legislation**

- 3.1 Part 2 section 7 page 50 of the Council Constitution outlines how matters of urgency can be dealt with and gives the following delegations to the Chief Executive.

#### **Matters of Urgency**

To authorise any action reasonably necessary to protect the health, safety or welfare of individuals or the safety of property.

Where it is necessary for any function of the Council or one of its committees to be discharged and it is impracticable or impossible, by means of urgency for the matter to be considered by the Council or such committee, to take such action as they consider appropriate, in consultation as far as is practicable with the Mayor and group leaders in respect of a Council function or the relevant committee Chair in respect of a matter within the Terms of reference of a Council Committee

- 3.2 Part 2 Section 7 page 52 of the constitution indicates that Director for Communities and the Environment is authorised to exercise the General delegations from Council, Committees and Cabinet set out in relation to the Chief Executive
- 3.3 Furthermore the constitution requires that a report be prepared for the next Committee meeting recording the urgent circumstances which made the action necessary and detailing the action taken

### **4.0 Conclusion**

- 4.1 The detail as to the relevant considerations in the decision making are attached in **Appendix I** namely the report considered by the Director for Communities and the environment in consultation with the Chair of Committee. This report to the Committee is for information, but also provides transparency regarding the decision making process

<b>CONCLUSION OF IMPACT ASSESSMENT</b> (including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)
--

<b>FINANCIAL IMPLICATIONS</b> As set out in the original report
--

**SECTION 151 OFFICER'S COMMENTS**

**LEGAL IMPLICATIONS**

These are detailed in the report in respect of the relevant Constitutional requirements

**BACKGROUND PAPERS**

None

**Contact Officer:** Jenette Hicks

**Telephone:** 01524 582732

**E-mail:** [jhicks@lancaster.gov.uk](mailto:jhicks@lancaster.gov.uk)

**Ref:** JH